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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,939	09/20/2001	Jonathan R. Merril	033262-003	9957
21839 7590 05/31/2007 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER RIES, LAURIE ANNE	
			ART UNIT 2176	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/955,939
Filing Date: September 20, 2001
Appellant(s): MERRIL, JONATHAN R.

Nicole D. Dretar
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7 September 2006 appealing from the Office action mailed 11 January 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The present application is a continuation-in-part of Application Serial Number 09/073,871, given Appeal Number 2003-1858. A Board of Patent Appeals and Interference

s decision was rendered on 12 March 2004.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,728,753	Parasnis	4-2004
5,978,818	Lin	11-1999
5,414,481	Fujioka	5-1995

Uchihashi, Shingo, et al, "Video Manga: Generating Semantically Meaningful Video Summaries", Proceedings of the Seventh ACM International Conference on Multimedia (Part 1), October 1999, pp. 383-392.

Karam, Gerald M., "Visualization Using Timelines", Proceedings of the 1995 ACM SIGSOFT International Symposium on Software Testing and Analysis, August 1995, pp. 125-137.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, and 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Parasnis (U.S. Patent 6,728,753 B1).

As per claim 1, Parasnis discloses an apparatus for capturing a live presentation including a means for capturing during the live presentation electronic still images for display by a display device which displays the electronic still images for viewing by an audience (See Parasnis, Column 4, lines 1-34), a means for recording the audio portion of a speaker's presentation during a live presentation (See Parasnis, Column 4, lines 66-67, and Column 5, lines 1-6), and a means for automatically synchronizing change

over from one electronic still image to another with the audio recording (See Parasnis, Column 5, lines 7-15).

As per claim 2, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses that the means for capturing electronic still images includes a means for routing electrical signals intended to drive the display device to the means for synchronizing (See Parasnis, Column 4, lines 35-43).

As per claim 3, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses that the means for capturing is housed in an intermediate unit, such as a NetShow Server (See Parasnis, Column 19, lines 62-67, and Column 20, lines 1-3).

As per claim 4, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses that the means for capturing may be housed in the display device (See Parasnis, Column 20, lines 23-33).

As per claim 5, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses a media server that provides the synchronized still images and audio recording in an Internet format (See Parasnis, Column 20, lines 23-48).

As per claim 6, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses including an image projection device (See Parasnis, Column 20, lines 54-65).

As per claim 7, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses including means for imaging the person giving the live presentation (See Parasnis, Column 19, lines 50-54).

As per claim 8, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses a microphone adjacent to the person giving the live presentation (See Parasnis, Column 19, lines 62-67, and Column 20, lines 1-4).

As per claim 9, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses that the means for automatically synchronizing change over one still image to another still image with the audio recording includes a manual input for marking a change over event (See Parasnis, Column 4, lines 59-65).

As per claim 10, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses that the means for automatically synchronizing change over one still image to another still image with the audio recording includes means for automatically detecting a change over event (See Parasnis, Column 4, lines 39-48).

As per claim 17, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses including means for transmitting the captured still images and recorded audio portion of a presentation to a network in a format suitable for viewing over the network (See Parasnis, Column 4, lines 43-51).

As per claim 18, Parasnis discloses the limitations of claim 17 as described above. Parasnis also discloses including means for sending the captured still images and audio recording to a client via the Internet (See Parasnis, Column 3, lines 55-61).

As per claim 19, Parasnis discloses the limitations of claim 1 as described above. Parasnis also discloses including means for converting the audio recording of the live presentation into a streaming format for transfer via the Internet (See Parasnis, Column 4, lines 30-34).

As per claim 20, Parasnis discloses a system for digitally recording and storing a lecture presentation using still images and audio including a still image generator for displaying a still image (See Parasnis, Column 3, lines 55-67), a capturing component to capture digital still image data from data used to generate the still image, which the still image is being displayed by the still image generator (See Parasnis, Column 4, lines 1-34), a receiving component configured to receive audio signals (See Parasnis, Column 19, lines 62-67, and Column 20, lines 1-4), a converting component configured to convert the audio signals into digital audio data (See Parasnis, Column 20, lines 3-22), and a computer including a memory for storing the captured digital still image data and the digital audio data (See Parasnis, Figure 20, element 22, and Column 8, lines 1-36).

As per claim 21, Parasnis discloses the limitations of claim 20 as described above. Parasnis also discloses that the system includes a computer connected to the Internet such that the client can access the stored digital still image data and the digital audio data via the Internet (See Parasnis, Figure 9, and Column 20, lines 34-48).

As per claim 22, Parasnis discloses the limitations of claim 20 as described above. Parasnis also discloses that the still image generator displays the still image using an overhead transparency projector (See Parasnis, Column 19, lines 19-23).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parasnis (U.S. Patent 6,728,753 B1), as applied to claim 1 above, and further in view of Karam ("Visualization Using Timelines")

As per claim 11, Parasnis discloses the limitations of claim 1 as described above. Parasnis does not disclose expressly determining the location of an electronic pointer, associating a timestamp with a determined location, and storing the determined location of the point and the associated time stamp into memory. Karam discloses tracking the location of the cursor, or electronic pointer, and recording in memory a time stamp associated with the cursor position (See Karam, Page 132, Column 1, paragraph 2, and Column 2, paragraph 1). Parasnis and Karam are analogous art because they are from the same field of endeavor of synchronizing video and audio events. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the recording of the cursor, or electronic pointer position with an associated time stamp of Karam with the capturing of a live presentation of Parasnis. The motivation for doing so would have been to allow a user to shift the position of all views of the live presentation to a certain timeline (See Karam, Page 132, Column 1, paragraph 2). Therefore, it would have been obvious to combine Karam with Parasnis for the benefit of allowing a

user to shift the position of all views of the live presentation to a certain timeline to obtain the invention as specified in claim 11.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parasnis (U.S. Patent 6,728,753 B1), as applied to claim 1 above, and further in view of Uchihashi ("Video Manga: Generating Semantically Meaningful Video Summaries")

As per claims 12-15, Parasnis discloses the limitations of claim 1 as described above. Parasnis does not disclose expressly a means for storing the captured still images, a means for searching the database, a means for creating a searchable transcript of text in the still images using optical character recognition (OCR), and auto-summarizing the transcript to generate a summary of the transcript. Uchihashi discloses storing captured images in a database (See Uchihashi, Page 388-389, Column 2, Section 6.2), providing search capabilities to search the database (See Uchihashi, Page 389, Column 1, paragraph 2), creating a searchable transcript of text in the images (See Uchihashi, Page 389, Column 1, paragraph 2), using optical character recognition to extract the text to create the transcript (See Uchihashi, Page 389, Column 1, paragraph 2), and automatically summarizing the transcript to generate a summary of the transcript (See Uchihashi, Page 388, Section 6.1). Parasnis and Uchihashi are analogous art because they are from the same field of endeavor of manipulating electronic still images. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the stored images and searchable transcript of text of Uchihashi with the capturing of a live presentation of Parasnis. The motivation

for doing so would have been to allow a user to quickly locate interesting passages within a long video using active interfaces (See Uchihashi, Page 389, Column 2, paragraph 2, and Page 391, Figure 12). Therefore, it would have been obvious to combine Uchihashi with Parasnis for the benefit of allowing a user to quickly locate interesting passages within a long video using active interfaces to obtain the invention as specified in claims 12-15.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parasnis (U.S. Patent 6,728,753 B1) in view of Uchihashi ("Video Manga: Generating Semantically Meaningful Video Summaries"), as applied to claim 14 above, and further in view of Lin (U.S. Patent 5,978,818).

As per claim 16, Parasnis and Uchihashi disclose the limitations of claim 14 as described above. Parasnis and Uchihashi do not disclose expressly a means for auto-outlining the transcript to generate an outline of the transcript. Lin discloses a method for providing an automated outline of a document. (See Lin, Column 2, lines 46-49). Parasnis, Uchihashi and Lin are analogous art because they are from the same problem solving area of processing electronic data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the automated outlining method of Lin with the transcript of Parasnis and Uchihashi. The motivation for doing so would have been to provide a reader with a list of sections included in the transcript. (See Lin, Column 1, lines 59-66). Therefore, it would have been obvious to combine Lin

with Parasnis and Uchihashi for the benefit of listing the sections contained in the transcript to obtain the invention as specified in claim 16.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parasnis (U.S. Patent 6,728,753 B1) as applied to claim 20 above, and further in view of Fujioka (U.S. Patent 5,414,481).

As per claim 23, Parasnis discloses the limitations of claim 20 as described above. Parasnis does not disclose expressly that the still image generator displays the still image using a paper document projector. Fujioka discloses the use of a paper image projector. (See Fujioka, Column 1, lines 6-9). Parasnis and Fujioka are analogous art because they are from the same problem solving area of displaying still images. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the paper image projector of Fujioka with the system for digitally recording and storing a lecture presentation of Parasnis. The motivation for doing so would have been to incorporate the use of an image projector for which special document preparation is not needed prior to use, and which is small, inexpensive, and easy to use. (See Fujioka, Column 1, lines 45-49). Therefore, it would have been obvious to combine Fujioka with Parasnis for the benefit of easily displaying the still images to obtain the invention as specified in claim 23.

(10) Response to Argument

With regard to independent claims 1 and 20, Appellant argues on Pages 5-10 of the Brief that Parasnis fails to teach a means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience. The Office respectfully disagrees. Parasnis teaches that the NetShow server, running Microsoft Corporation's NetShow server application program, captures HTML slides, or still images, during the presentation. The slides, as well as the ASF stream comprising the live content captured by the video camera, are sent to the network server during the live presentation. The network server then broadcasts the ASF stream and the presentation slides, or still images (See Parasnis, Figure 9, and Column 5, lines 15-49). The fact that the slides, or still images, had been pre-recorded does not preclude the capture of the slides or still images by the NetShow server such that they may be broadcast in synchrony with the live presentation in real-time, or saved for viewing at a later time (See Parasnis, Column 4, lines 35-51, and Column 37, Claim 2, and Column 38, Claim 9).

Additionally, the Office respectfully notes that the claim language does not preclude an alternative interpretation in which the video camera, as taught by Parasnis, may be used to capture both the presenter of the live presentation as well as the still images projected on the projection screen as shown in Figure 9, elements 1158, 1150, and 1160 of Parasnis.

With regard to dependent claim 2, Appellant argues on Page 7 of the Brief that Parasnis fails to teach that the means for capturing electronic still images includes a means for routing electronic signals intended to drive said display device to said means for synchronizing. The Office respectfully disagrees. Parasnis teaches that as each of the slide triggering events occur, a corresponding slide display command for controlling the display of the presentation slides on the receiving computers is generated, thus creating a routing signal to facilitate the display of the presentation slides on the receiving computers in synchrony with the live presentation (See Parasnis, Column 4, lines 35-51).

With regard to dependent claim 3, Appellant argues on Pages 7-8 of the Brief that Parasnis fails to teach that said means for capturing electronic still images is housed in an intermediate unit. The Office respectfully disagrees. Parasnis teaches that the means for capturing the HTML presentation slides, or still images, is housed in the NetShow server, which runs Microsoft Corporation's NetShow server application program, prior to being sent to the network server (See Parasnis, Column 19, lines 62-67, and Column 20, lines 1-3).

With regard to dependent claim 4, Appellant argues on Page 8 of the Brief that Parasnis fails to teach that the means for capturing electronic still images is housed in said display device. The Office respectfully disagrees. Parasnis teaches that the PowerPoint slide show may be run directly from an encoding computer thus eliminating

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the need to connect separately to a laptop computer to capture the HTML presentation slides, or still images (See Parasnis, Column 20, lines 23-33).

With regard to dependent claim 5, Appellant argues on Page 8 of the Brief that Parasnis fails to teach a media server that provides said synchronized still images and audio recording in an Internet format. The Office respectfully disagrees. Parasnis teaches a network server which combines audio and video content in synchrony with the capture of the HTML presentation slides, or still images, by the NetShow server, such that the combined content may be presented to an attendee's computer via a network connection, such as the Internet (See Parasnis, Column 20, lines 37-67, and Column 21, lines 1-10).

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Laurie Ries

Conferees:

William Bashore



**WILLIAM BASHORE
PRIMARY EXAMINER**



**STEPHEN HONG
SUPERVISORY PATENT EXAMINER**